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7 ABRAR ELAHI SIDDQUI, et al.,
8 Plaintiffs,
9 v.
10 CITY OF FREMONT, et al.,
11 Defendants.

Case No. 16-cv-02012-JSC

ORDER TO SHOW CAUSE

Re: Dkt. Nos. 10, 23

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13 Plaintiffs Abrar Siddqui and Rahila Khan bring this civil action against Defendants the
14 City of Fremont and Leonard Powell as the Community Preservation Manager for City of
15 Fremont. (Dkt. No. 1.) On June 20, 2016, Defendants filed a Motion to Dismiss pursuant to
16 Federal Rule of Civil Procedure 12(b)(6). (Dkt. No. 10.) After Plaintiffs failed to file a response
17 to the motion within the time allotted under Local Rule 7-3, the Court issued an Order directing
18 Plaintiffs to file their opposition or statement of non-opposition by July 21, 2016. Plaintiffs
19 failed to do so.

20 The Court then issued an Order to Show Cause as to why the action should not be
21 dismissed with prejudice for failure to prosecute pursuant Federal Rule of Civil Procedure 41(b).
22 (Dkt. No. 19.) Plaintiffs responded to the Order to Show Cause contending that counsel “never
23 received notification that the responsive pleading had been filed” and was thus “unaware of the
24 filing of the motion to dismiss.” (Dkt. No. 20 at 1:26-27; 2:4-5.) In response, the Court issued an
25 order noting that as a registered ECF user counsel would have received notice of each filing in
26 this action; however, given that Defendants had not suggested that they had been prejudiced, the
27 Court again reset the briefing schedule on the motion to dismiss. (Dkt. No. 22.) Five days after
28 the Order resetting the briefing schedule, Defendants filed a Motion to Strike Plaintiffs’ State

United States District Court
Northern District of California

1 Law Causes of Action Pursuant to California's Anti-SLAPP statute seeking attorneys' fees and
2 costs. (Dkt. No. 23.)

3 Plaintiffs thereafter failed to file a response to either motion and the time has now run do
4 so under Local Rule 7-3. Accordingly, Plaintiffs are again ordered to show cause as to why this
5 action should not be dismissed for failure to prosecute under Federal Rules of Civil Procedure
6 41(b). *See Yourish v. California Amplifier*, 191 F.3d 983, 991 (9th Cir. 1999). **Plaintiffs shall file**
7 **a written response to this order by August 29, 2016.** Defendants may, but are not required to,
8 file a reply by September 6, 2016. In addition, **Plaintiffs and their counsel Brian Kemp**
9 **Hilliard are ordered to personally appear and show cause in person on September 8, 2016 at**
10 **9:00 a.m. in Courtroom F, 450 Golden Gate Ave., San Francisco, California as to why this**
11 **action should not be dismissed with prejudice for failure to prosecute.** Defendants' counsel
12 may contact Court Call at 1-888-882-6878 to make arrangements to appear at the Order to Show
13 Cause hearing by telephone.

14 **If Plaintiffs fail to either respond to this Court's Order or appear on September 8,**
15 **2016 this action may be dismissed for failure to prosecute and Plaintiffs' counsel will be**
16 **referred to the Northern District's Standing Committee on Professional Conduct pursuant**
17 **to Local Rule 11-6(a).**

18 The Case Management Conference Scheduled for September 1, 2016 is VACATED
19 pending disposition of this Order to Show Cause.

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21 **IT IS SO ORDERED.**

22 Dated: August 25, 2016

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JACQUELINE SCOTT CORLEY
26 United States Magistrate Judge
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12 **CERTIFICATE OF SERVICE**
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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 25, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Brian Kemp Hilliard
Hilliard & Porrino, P.C.
3911 Harrison Street
Oakland, CA 94611

Dated: August 25, 2016

Susan Y. Soong
Clerk, United States District Court

By: 
Ada Means, Deputy Clerk to the
Honorable JACQUELINE SCOTT CORLEY